

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

BIOPURE CORPORATION,  
THOMAS MOORE, HOWARD RICHMAN  
and JANE KOBER,

Defendants.

CIVIL ACTION NO.

05-CA-11853-PBS

~~PROPOSED~~ ORDER REGARDING  
SUBMISSION OF CONFIDENTIAL MATERIAL

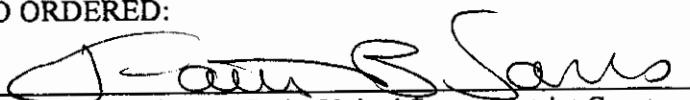
Pursuant to Local Rule 7.2, and for good cause shown, this Honorable Court hereby  
ORDERS as follows:

1. By motion dated January 27, 2006, the Defendants have moved to require that certain confidential material that the SEC may file as part of its opposition be filed under seal. The Defendants' motion is hereby GRANTED.

2. In its opposition to Defendants' motion for partial summary judgment, the Plaintiff Securities and Exchange Commission ("SEC") is hereby ordered to file *under seal* all confidential information pertaining to Biopure's drug development program containing (1) confidential communications with the United States Food and Drug Administration and documents and testimony about those communications; (2) Biopure's trade secrets regarding its oxygen therapeutic products, Hemopure® and Oxyglobin®, and (3) Biopure's proprietary clinical protocols and other confidential business information.

3. The Clerk is directed to maintain such information filed under seal in a non-public file until further order of the Court.

SO ORDERED:

  
Honorable Patricia B. Saris, United States District Court